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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,647	11/07/2000	Kim Y. Kao	003115.P002XD2	9344

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EXAMINER

PEYTON, TAMMARA R

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 02/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,647

Applicant(s)

KAO ET AL.

Examiner

Tammara R Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 13, 17-23, 25, 26, 29 and 32 is/are rejected.
- 7) ☒ Claim(s) 14-16, 24, 27, 28, 30, 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 22, 23, 25, 26, 29, and 32 rejected under 35 U.S.C. 102(e) as being anticipated by *Chasek*, patent number 5,894,422.
2. As per claim 22, *Chasek* teaches of a method comprising:
monitoring an output of an electrically powered device [200, Fig.2]; and
comparing the output to a database of operating profiles [smart meter reader, Fig. 1 and central billing computer, col. 3, lines 62-col. 4, lines 1-21] for the electrically powered device a first condition [finding the parameter in the calculation of annual

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reliability] and to adjust billing charges when the electrically powered device is in the first condition [*Chasek*, Note abstract, col. 5, lines 26-34].

3. As per claims 23, 29, *Chasek* teaches of a method comprising:

software to monitoring an output of an electrically powered device [200, Fig.2, Fig.1, col. 4, lines 51-59]; and

software to comparing the output to a plurality of power usage profiles [stored in memory, 106 of smart meter reader, Fig. 1 and central billing computer, col. 3, lines 62- col. 4, lines 1-50] for the electrically powered device to detect a first condition [finding the parameter in the calculation of annual reliability] and to adjust billing charges when the electrically powered device is in the first condition [*Chasek*, col. 5, lines 26-34].

4. As per claims 26 and 32, it would have been obvious that if *Chasek* teaches of monitoring each power usage profile is a function of amperage and time.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 12, 13, and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kolls*, patent number 6,152,365.

6. As per claims 12, 18, and 21, *Kolls* teaches of an apparatus to monitor usage of an electrically powered device [Fig.13] comprising:

a circuit coupled to the device to provide a power output of the device [Fig. 13];
a controller [12, col. 15, lines 29-41, Fig.14] to receive a user input [via card reader, 16, Fig.14], process the user input by establishing communication [via modem, 420, Fig.14] with a remotely located device [40, Fig.13] to request approval of a financial transaction, and generate control signals in response to receiving approval, the controller receives the digital form of the power output and monitors the operating of the electrically powered device. [Note Abstract, col. 3, lines 17-29 and col. 6, lines 5-28, Figs.1-22]

7. *Kolls* does not expressly describe the circuitry that provides power to the device, however, it would have been obvious to one ordinary skilled in the art that *Kolls* system would also teach the circuitry to provides power to the device.

8. As per claims 13 and 17, *Kolls* teaches of a switching device coupled between the electrically powered device and a power source, said switching device [relay] to control power to the device, responsive to the control signals. [col. 16,lines 7-11]

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9. As per claims 19 and 20, *Kolls* teaches wherein the electrically powered device is a copier or a laser printer.

Objected Subject Matter

10. Claims 14-16, 24, 27, 28, 30, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims of the dependent claim to the rejected independent claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 8:00 - 4:30 from Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal communications intended for entry should be sent to:

(703) 746-7238, After Final (703)746,7239

or, for informal or draft communications, to:

(703) 746-7240 (please label "PROPOSED" or "DRAFT").

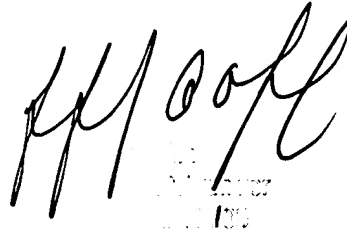
Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor

(Receptionist).

Tammara Peyton

February 4, 2002

A handwritten signature in black ink, appearing to read "T. Peyton", is written over a faint rectangular stamp. The signature is fluid and cursive.